

ENROLLED ACT NO. 46, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
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AN ACT relating to the tribes of the Wind River Indian Reservation; specifying the definition and rule of construction for the cooperative tribal governing body; clarifying statutory references to either or both tribes; correcting references from the obsolete joint business council to the cooperative tribal governing body; standardizing references to either tribe or the cooperative tribal governing body; modifying foreign language references in title 21 to include world languages; correcting references to the Wind River Indian Reservation; repealing the obsolete Wyoming Indian Affairs Council; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 5-1-111(a)(intro), 8-1-103(a) by creating a new paragraph (x), 8-7-101, 9-12-1201(a)(i), 9-12-1501(c)(ii)(B), 14-3-107(a), 14-3-108(a), 16-1-101, 16-1-103(a)(i), 16-1-104(a), 21-2-802(a)(ii)(A), 21-3-110(a)(ii)(A), 21-4-601(a), (b), (c)(ii), (iii) and (d), 21-7-601(b)(i)(A) and (e), 21-9-101(b)(i)(K) and (g), 21-16-1307(b)(vii)(C), (d)(vi)(A) and (e)(iii)(A), 21-22-106(a)(i), 22-1-102(a)(xliv), 24-12-102(c)(i)(intro) and (A), 35-25-205(a)(iii), 35-25-301(b)(iii), 36-8-301, 36-8-302, 36-8-307(a), 41-2-114(a)(intro), (iv)(F) and (v)(D) and 41-2-117(a)(i)(intro) are amended to read:

5-1-111. Full faith and credit for tribal acts and records.

(a) The judicial records, orders and judgments of the courts of the Eastern Shoshone and Northern Arapaho Tribes of the Wind River Indian Reservation shall have the same full faith and credit in the courts of this state as do the judicial records, orders and judgments of any other

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governmental entity, unless at least one (1) of the following conditions is shown not to be met:

8-1-103. Rules of construction for statutes.

(a) The construction of all statutes of this state shall be by the following rules, unless that construction is plainly contrary to the intent of the legislature:

(x) Reference to the "cooperative tribal governing body" means the inter-tribal council of the Eastern Shoshone and Northern Arapaho tribes or its official successor joint governing body. If the cooperative tribal governing body is a party to a cooperative agreement or contract with the state or a political subdivision under the laws of this state, a successor joint tribal governing body or each tribe as an individual sovereign shall remain a party to the agreement or contract unless specified otherwise in the agreement or contract.

8-7-101. Tribal identification cards.

An identification card issued by the governing body of the Eastern Shoshone ~~Tribe of Wyoming~~ or Northern ~~Arapahoe Arapaho Tribe of Wyoming~~ that includes the requirements of W.S. 31-8-102(a)(i) through (vi) and (ix) shall be considered a valid form of identification for all purposes for which an identification card issued under W.S. 31-8-101 may be used.

9-12-1201. Definitions.

(a) As used in this article:

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(i) "Agency" means a branch, agency, department, board, instrumentality or institution of the state of Wyoming, a county, a municipal corporation, a school district, a community college district, the University of Wyoming, the ~~joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes~~ cooperative tribal governing body, the ~~business council of the~~ Eastern Shoshone ~~Indian~~ Tribe, the ~~business council of the~~ Northern Arapaho ~~Indian~~ Tribe, a joint powers board formed pursuant to this act or a special district specifically involved in providing facilities or functions enumerated in W.S. 16-1-104(c);

9-12-1501. Broadband development program established; purposes; eligibility; definitions.

(c) Except as provided in subsection (d) of this section, eligible applicants for funding awarded under this article are public private partnerships which include:

(ii) A government entity specified in the following:

(B) A tribal government of either the Eastern Shoshone or Northern Arapaho ~~or Eastern Shoshone~~ tribes of the Wind River Indian Reservation or the cooperative tribal governing body; or

14-3-107. Performing body-art on persons who have not reached the age of majority; penalties; definition.

(a) No person shall knowingly perform body-art upon or under the skin of a person who has not reached the age of majority, except with the consent of the person's parent or legal guardian who is present at the time the body-art

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procedure is performed upon the person. The person performing the body-art procedure shall demand proof of age prior to administering the body-art procedure upon the person. A motor vehicle driver's license, a registration card issued under the federal Selective Service Act, an identification card issued to a member of the armed forces, a valid United States passport, a tribal identification card issued by the governing body of the Eastern Shoshone ~~Tribe of Wyoming~~ or the Northern ~~Arapahoe~~ Arapaho ~~Tribe of Wyoming~~ or an identification card issued by the department of transportation is prima facie evidence of the age and identity of the person. Proof that the person performing the body-art procedure demanded, was shown and acted in reasonable reliance upon the information contained in any one (1) of the above documents as identification and proof of age is a defense to any criminal prosecution under this section.

14-3-108. Use of ultraviolet tanning devices by persons who have not reached the age of majority; presence required; consent required; penalty.

(a) No person other than the minor's parent or legal guardian shall knowingly allow a minor who has not reached fifteen (15) years of age to use an ultraviolet tanning device, unless the minor's parent or legal guardian consents in writing to the use and is present the entire time of use. No person shall knowingly allow a minor age fifteen (15) years to the age of majority to use an ultraviolet tanning device, except with written consent obtained from the minor's parent or legal guardian. Any person other than the minor's parent or legal guardian allowing the use of an ultraviolet tanning device by a minor shall demand proof of age prior to allowing the use of an ultraviolet tanning device. A motor vehicle driver's

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license, a registration card issued under the federal Selective Service Act, an identification card issued to a member of the armed forces, a valid United States passport, a tribal identification card issued by the governing body of the Eastern Shoshone ~~Tribe of Wyoming~~ or the Northern ~~Arapahoe~~ Arapaho ~~Tribe of Wyoming~~ or an identification card issued by the department of transportation is prima facie evidence of the age and identity under this section. Proof that the person allowing the use of the ultraviolet tanning device demanded, was shown and acted in reasonable reliance upon the information contained in any one (1) of the above documents as identification and proof of age is a defense to any criminal prosecution under this section.

16-1-101. Authority to cooperate.

In exercising, performing or carrying out any power, privilege, authority, duty or function legally vested in any one (1) or more of them by Wyoming law, the state of Wyoming, and any one (1) or more of its counties, municipal corporations, school districts, special districts, public institutions, agencies, boards, commissions and political subdivisions, and any officer or legal representative of any one (1) or more of them, may cooperate with and assist each other, and like entities or authorities of other states, the United States and the Eastern Shoshone and Northern Arapaho tribes of the Wind River Indian Reservation. Cooperation may be informal or subject to resolution, ordinance or other appropriate action, and may be embodied in a written agreement specifying purposes, duration, means of financing, methods of operations, termination, acquisition and disposition of property, employment of executive and subordinate agents, reciprocation of governmental immunity protections or other

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limitations of liability pursuant to W.S. 16-1-104(f) and other appropriate provisions.

16-1-103. Definitions.

(a) As used in this act:

(i) "Agencies" means Wyoming counties, municipal corporations, school districts, community college districts, the ~~joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes~~ cooperative tribal governing body, the business council of the Eastern Shoshone ~~Indian Tribe~~, the business council of the Northern Arapaho ~~Indian Tribe~~, joint powers boards formed pursuant to this act or special districts specifically involved in providing facilities or functions enumerated in W.S. 16-1-104(c);

16-1-104. Joint powers, functions and facilities; city-county airport board; eligible senior citizen centers; cooperative public transportation programs.

(a) Any power, privilege or authority exercised or capable of being exercised by an agency may be exercised and enjoyed jointly with any other agency having a similar power, privilege or authority. No cost shall be incurred, debt accrued, nor money expended by any contracting party, which will be in excess of limits prescribed by law. If the ~~joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes~~ cooperative tribal governing body, the business council of the Eastern Shoshone ~~Indian Tribe~~ or the business council of the Northern Arapaho ~~Indian Tribe~~ participates in a joint powers board under this act with political subdivisions and special districts of Wyoming, the powers of the ~~joint business council~~

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cooperative tribal governing body, the powers of the business council of the Eastern Shoshone ~~Indian~~-Tribe, the powers of the business council of the Northern Arapaho ~~Indian~~-Tribe, Wyoming political subdivisions and Wyoming special districts are neither increased ~~or~~-nor decreased by that participation. Rather the participation of the ~~joint business council~~-cooperative tribal governing body, the business council of the Eastern Shoshone ~~Indian~~-Tribe or the business council of the Northern Arapaho ~~Indian~~-Tribe is intended to facilitate implementation of programs and projects designed to more effectively benefit Wyoming's citizens.

21-2-802. Powers and duties; teacher certification; suspension and revocation; certification fees; disposition of collected fees; required data submissions to department of education.

(a) The board shall promulgate rules and regulations:

(ii) In addition to paragraph (a)(i) of this section, the board shall by rule and regulation provide for:

(A) Certification of teachers of the ~~Arapahoe and Shoshoni language~~-Arapaho, Shoshone, or both, languages and in its discretion, the board may make other exceptions as to both teachers and administrators it determines necessary and proper in special circumstances;

21-3-110. Duties of boards of trustees.

(a) The board of trustees in each school district shall:

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(ii) Keep minutes of all meetings at which official action is taken and a record of all official acts including a record of all warrants issued against the monies belonging to the school district. The minutes and records shall be public records. A list of each warrant over five hundred dollars (\$500.00) shall be published one (1) time in a legal newspaper of general circulation within the respective county within thirty (30) days of the date of the meeting. Individual yearly gross salary payments need be published only once in March of each year:

(A) Each individual annual gross salary shall be identified by category and each individual salary shall be published as a gross dollar amount without identification other than by category. Categories shall include superintendent, assistant superintendent, high school principal, assistant high school principal, junior high principal, junior high assistant principals, elementary principals, elementary assistant principals, first grade teachers, second grade teachers, third grade teachers, fourth grade teachers, fifth grade teachers, sixth grade teachers, kindergarten teachers, high school departmental teachers (business, language arts, foreign world languages, science, social studies, mathematics, or other), vocal music, instrumental music, elementary music, secondary art, elementary art, secondary physical education, elementary physical education, career and technical education, secondary guidance counselors, secondary librarians, elementary librarians, driver education, special education teachers, remedial teachers, nurses, teacher's aides, head coaches, assistant coaches, dramatics, secondary secretarial, junior high secretarial, elementary secretarial, business managers, janitorial, bus drivers, and other categories which may be selected so that every individual salary may be categorized. Each category

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shall show a cumulative subtotal and there shall be a grand total of all categories. At the end of the salary publication there shall be printed the district salary schedule;

21-4-601. Education programs on the Wind River Indian Reservation.

(a) The legislature finds that, through education programs provided by the Eastern Shoshone ~~and Tribe,~~ the Northern Arapaho ~~Indian Tribes Tribe,~~ or the cooperative tribal governing body to school age Indian children residing on the Wind River Indian Reservation, the state can address conditions of unemployment, poverty and lack of adequate job skills which exist on the reservation. Maintenance of these education programs unique to Indian students is of mutual benefit to the tribes and the state, reducing future financial needs of those students as tribal members and as Wyoming residents for public education, job services, substance abuse services and income supplements.

(b) Subject to amounts appropriated by the legislature, the state superintendent of public instruction shall enter into negotiations with the individual ~~or joint~~ business councils of the Eastern Shoshone and Northern Arapaho ~~Indian tribes~~ or the cooperative tribal governing body to determine the appropriate contractual arrangements for the provision of education programs and services addressing Indian students at risk of failure in school and other programs and services essential to the success and welfare of these students as specified under subsection (a) of this section. Contractual arrangements entered into under this subsection shall include a requirement that the expenditure of contractual amounts, as verified annually in writing, is for programs tied to improvement of student

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performance on the statewide assessment. For purposes of this section, the state superintendent shall include an amount within his biennial budget request which is computed in accordance with subsection (c) of this section to provide a per student amount that when nonstate funding sources are considered, is comparable to per student amounts provided for public schools under the Wyoming education resource block grant model.

(c) To arrive at a biennial funding amount for purposes of subsection (b) of this section, an estimate shall be computed as follows:

(ii) Multiply the per student amount determined under paragraph (i) of this subsection by the number of students enrolled in education programs and services provided by the ~~joint business council~~ cooperative tribal governing body or each individual tribe pursuant to subsection (a) of this section;

(iii) Subtract from the amount computed under paragraph (ii) of this subsection all Federal Bureau of Indian Affairs funds for K-12 programs received by the ~~joint business council~~ cooperative tribal governing body or each individual tribe for education programs and services provided under subsection (a) of this section.

(d) The ~~joint~~ cooperative tribal governing body or each individual business council ~~of the Eastern Shoshone and the Northern Arapaho Indian Tribes~~ shall annually report to the governor and the state superintendent of public instruction on the expenditure of contractual amounts as required under subsection (b) of this section.

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21-7-601. Wyoming teacher shortage loan repayment program; eligibility criteria; procedures; program reporting.

(b) To qualify for a loan under this section, the applicant shall first:

(i) Be enrolled in good standing in a teacher education program at the University of Wyoming leading to:

(A) Certification as a special education, math, science or ~~foreign-world~~ language teacher; or

(e) A recipient of a loan under this section may repay the loan without cash payment by teaching at least fifty percent (50%) of his working hours as a teacher in special education, math, science, ~~foreign-world~~ language, reading or English as a second language as a certified teacher in a Wyoming public school as provided in subsection (f) of this section. To qualify as repayment under this subsection, work shall be performed within the minimum amount of time necessary to repay the loan, plus two (2) years, which shall begin with the calendar month following the month in which the student completed the academic program.

21-9-101. Educational programs for schools; standards; core of knowledge and skills; special needs programs; class size requirements; cocurricular activities.

(b) Each school district within the state shall provide educational programs sufficient to meet uniform student content and performance standards at the level established by the state board of education in the following areas of knowledge and skills:

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(i) Common core of knowledge:

(K) ~~Foreign-World~~ cultures and languages;

(g) Not later than the 2002-2003 school year, all school districts shall provide instruction in ~~foreign-world~~ languages to students in kindergarten through grade 2 in accordance with standards promulgated by the state board.

21-16-1307. Success curriculum; test standards.

(b) Except as otherwise provided for by law, the success curriculum required to qualify for honor or performance scholarship eligibility under this article for students graduating from high school in the 2019-2020 school year and each school year thereafter shall be as follows:

(vii) Elective pathway - four (4) years, including at least two (2) years of related courses taken in sequence, of any of the following:

(C) ~~Foreign-World~~ language - instruction in ~~foreign-world~~ language, which shall be taken in grades nine (9) through twelve (12). Instruction in the native language of the Eastern Shoshone or the Northern Arapaho ~~Indian~~ tribes, or instruction in American sign language may be taken in fulfillment of this subparagraph.

(d) The success curriculum required to qualify for opportunity scholarship eligibility under this article for students graduating from high school in the 2010-2011 school year and each school year thereafter shall be as follows:

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(vi) Effective school year 2015-2016 and each school year thereafter, and in lieu of paragraph (v) of this subsection, one (1) of the following:

(A) ~~Foreign—World~~ language - two (2) sequenced years of the same ~~foreign—world~~ language which need not be taken consecutively, at least one (1) of which shall be taken in grades nine (9) through twelve (12), or two (2) sequenced years of instruction in the ~~native language of the Eastern Shoshone or the Northern Arapahoe Arapaho languages~~, or two (2) sequenced years of instruction in American sign language, either of which need not be taken consecutively but at least one (1) year of which is taken in grades nine (9) through twelve (12); or

(e) The success curriculum required to qualify for provisional opportunity scholarship eligibility under this article for students graduating from high school in the 2010-2011 school year and each school year thereafter shall be the curriculum required for high school graduation under W.S. 21-2-304(a)(iii) subject to the following:

(iii) Effective school year 2015-2016 and each school year thereafter, and in lieu of paragraph (ii) of this subsection, instruction in one (1) of the following:

(A) ~~Foreign—World~~ language - two (2) sequenced years of the same ~~foreign—world~~ language which need not be taken consecutively, at least one (1) of which shall be taken in grades nine (9) through twelve (12), or two (2) sequenced years of instruction in the ~~native language of the Eastern Shoshone or the Northern Arapahoe Arapaho languages~~, or two (2) sequenced years of instruction in American sign language, either of which need

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not be taken consecutively but at least one (1) year of which is taken in grades nine (9) through twelve (12); or

21-22-106. Distribution of trust funds available to public schools; innovative program grants; criteria.

(a) Revenues available to the department of education from the separate account under W.S. 21-22-102 shall be annually distributed to school districts as innovative program grants to fund programs providing innovation in or improvement to public education through the creation of new, different and improved educational opportunities in elementary or secondary schools, including:

(i) Curriculum development activities such as initiatives in ~~foreign-world~~ languages, mathematics, social studies, English and the sciences, programs to develop critical or creative thinking, programs involving the private sector and programs providing parental and family training;

22-1-102. Definitions.

(a) The definitions contained in this chapter apply to words and phrases used in this Election Code and govern the construction of those words and phrases unless they are specifically modified by the context in which they appear. As used in this Election Code:

(xliv) "Tribal clerk" means an official designated by the Eastern Shoshone Tribe and an official designated by the Northern Arapaho Tribe or an official designated by the cooperative tribal governing body of the Wind River Indian Reservation acting pursuant to a cooperative agreement entered into by a county and the

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respective tribe pursuant to W.S. 16-1-101, which agreement provides for the official to provide services as a registry agent under the direct supervision and control of the county clerk;

24-12-102. Duties generally; emergencies; coordination.

(c) The state highway patrol shall coordinate with local, tribal, state and federal law enforcement agencies, the Wyoming office of homeland security and any other appropriate entity to operate an alert system under the integrated public alert and warning system or successor system, adhering to the United States department of justice criteria. The state highway patrol shall report annually to the division of criminal investigation the number of times and dates that the alert system was used, the age, race and gender of the abducted person, whether the abduction was thwarted and whether the alert system assisted in resolving the abduction. In addition:

(i) If the Northern Arapaho and Eastern Shoshone tribes:

(A) Operate or seek to operate an alert system under the integrated public alert and warning system or successor system on the Wind River Indian Reservation, adhering to the United States department of justice criteria, the Wyoming office of homeland security and state highway patrol shall assist and coordinate with any tribal agency in establishing or operating that system;

35-25-205. Breast and cervical cancer programs.

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(a) The breast and cervical cancer program within the department is authorized to obtain private and federal grant funds and to seek appropriations for:

(iii) Implementation of the program known as the native sisters program for outreach to members of the Eastern Shoshone and Northern Arapaho tribes, provided that any grants or contracts entered into pursuant to this paragraph shall contain any restrictions necessary to comply with Article 16, Section 6 of the Wyoming Constitution.

35-25-301. Diabetes care planning; reports to the legislature.

(b) The department of health shall track for statistical and trending analysis the following:

(iii) A description of the level of coordination existing between the department, other agencies and Eastern Shoshone and Northern Arapaho tribes on activities, programmatic activities and messaging on managing, treating or preventing all forms of diabetes and its complications;

36-8-301. Acceptance of Big Horn Hot Springs.

The state of Wyoming hereby accepts the lands granted by the act of congress of 1897 ceding to the state one (1) square mile in the northeast portion of the historic Shoshone Indian Reservation upon which is located the Big Horn Hot Springs and assents to all of the provisions of said act ceding the same.

36-8-302. Name of park.

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From and after the passage of this act, the land managed by the department as of July 1, 2010 in the northeast portion of the historic Shoshone Indian Reservation, upon which is located the Big Horn Hot Springs, is hereby declared to be and shall hereafter be known as the "Hot Springs State Park". The department shall by rule specify the legal description of the state park.

36-8-307. Control of use of lands; transfer of control to the Wyoming department of state parks and cultural resources.

(a) The lands granted by the act of congress approved on the seventh day of June, A.D. 1897, ceding to the state of Wyoming certain lands in the northeastern portion of the historic Shoshone Indian Reservation upon which are located the Big Horn Hot Springs, are placed under control of the state board of charities and reform or its successor and are forever set aside for the treatment and care of diseases and for sanitary and charitable purposes.

41-2-114. Development of water projects; rehabilitation of water projects.

(a) The commission shall, on the basis of the state water plan or as otherwise directed by the legislature and after consultation with and advice from state agencies and officials, other appropriate agencies and officials, the ~~joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes~~ cooperative tribal governing body, the business council of the Eastern Shoshone ~~Indian~~-Tribe, the business council of the Northern Arapaho ~~Indian~~-Tribe and members of the public, identify and select potential projects to be studied for inclusion in the Wyoming water development program pursuant to the following schedule:

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(iv) Level III construction and operation plans shall proceed as authorized and approved by the legislature under the immediate direction and control of the commission. Preference in the marketing of hydroelectric power from any such project shall be given to utilities serving Wyoming municipalities and to rural electric cooperatives where economical and permissible under federal law. Pursuant to legislative authorization for water development projects and prior to completion of Level III construction the commission may:

(F) Contract with, contribute to or receive contributions from any legal subdivision of the state, special district, the ~~joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes~~ cooperative tribal governing body, the business council of the Eastern Shoshone ~~Indian~~ Tribe, the business council of the Northern Arapaho ~~Indian~~ Tribe, private corporation or person for the construction, operation, management and maintenance of any project or any interest in any facility or function of a project.

(v) After completion of Level III construction, the commission:

(D) May contract with, contribute to or receive contributions from any legal subdivision of the state, special district, the ~~joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes~~ cooperative tribal governing body, the business council of the Eastern Shoshone ~~Indian~~ Tribe, the business council of the Northern Arapaho ~~Indian~~ Tribe, private corporation or person for the operation, management and maintenance of any

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project or any interest in any facility or function of a project.

41-2-117. Wyoming water development commission; membership; removal; terms.

(a) The Wyoming water development commission is created to consist of ten (10) members. The membership shall include:

(i) Nine (9) persons, two (2) shall be residents appointed from each water division of the state as defined in W.S. 41-3-501, at least one (1) will be a person having an adjudicated water right. One (1) resident of Wyoming shall be appointed at large and one (1) shall be an enrolled member of the ~~Arapahoe or Eastern~~ Shoshone ~~Indian or Northern Arapaho~~ tribes who is resident on the Wind River Indian Reservation:

Section 2. W.S. 9-12-601(h), 9-12-805 and 9-12-902(j) are amended to read:

9-12-601. Wyoming business ready community program; purpose; creation; rulemaking.

(h) The council may also enter into cooperative agreements with the Eastern Shoshone Tribe, ~~and~~ the Northern Arapaho Tribe ~~in order or the cooperative tribal governing body~~ to promote the purposes of this article.

9-12-805. Tribal participation in community facilities program.

The council may enter into cooperative agreements with the ~~business council of the~~ Eastern Shoshone ~~Indian~~ Tribe, the

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~~business council of the Northern Arapaho Indian Tribe or the joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes~~ cooperative tribal governing body to promote the purposes of the community facilities program and to allow those entities to participate in the program.

9-12-902. Wyoming workforce housing infrastructure program; creation; rulemaking.

(j) The council may also enter into cooperative agreements with the Eastern Shoshone Tribe, ~~and the Northern Arapaho Tribe~~ in order or the cooperative tribal governing body to promote the purposes of this article.

Section 3. Section 2 of this act shall not be effective if 2022 House Bill 0009 (22LSO-0098), which repeals W.S. 9-12-601(h), 9-12-805 and 9-12-902(j), is enacted into law.

Section 4. W.S. 8-1-103(a)(x) as created in Section 1 of this act shall supersede and replace W.S. 8-1-103(a)(x) as created in Section 1 of 2022 House Bill 0009 (22LSO-0098) if both bills are enacted into law.

Section 5. W.S. 9-2-1901 through 9-2-1905 are repealed.

ORIGINAL HOUSE
BILL NO. HB0010

ENGROSSED

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Section 6. This act is effective July 1, 2022.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk